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March 15, 2023

VIA ECF ONLY

The Honorable Nina R. Morrison
Judge, United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

RE: Tyrell Boyd v. Liberty Ashes, Inc.
Case No. 23-CV-00641 (NRM)(RER)

Dear Judge Morrison:

As your files should reflect, this office represents Defendant Liberty Ashes, Inc. ("Liberty") as it relates to the above referenced matter, and will supplement our prior correspondence to you dated March 9, 2023. In accordance with your Individual Practice Rule Section 5.1, please accept this correspondence as my clients amended request to file a Motion to Dismiss the Claims of the Plaintiff relative to their alleged violations of NYLL Section 195(1) and (3).

Specifically, this Court has recently ruled in the matter of Deng v. Frequency Electronics, Inc., 21-cv-6081, 2022 WL 16923999, at *8-10 (E.D.N.Y. Nov. 14, 2022), that NYLL Section 195 and 198 claims should be dismissed for lack of Jurisdiction. In that the Complaint of Plaintiff specifically lists these sections in their Complaint under the Third Cause of Action, this Honorable Court lacks jurisdiction in this regard.

By way of a reply to Plaintiff's opposition letter to Defendant's proposed Motion to Compel Arbitration, Defendant's again restate that as of the dictation of this correspondence, the New York Secretary of State has yet to serve Plaintiff's Complaint upon the Defendant. To the extent that Plaintiff believes that service was perfected otherwise, at no point did they provide to either my client or to this office the necessary Notice of Lawsuit and/or Request to Waive Service by Summons language in any such correspondence.

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Thank you again for your continued assistance in this regard. Should you require any additional information, please feel free to contact me at your convenience.

Very truly yours,
HOROWITZ LAW GROUP, LLC



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Cc: Abdul Hassan, Esq. (via ECF only)
Liberty Ashes, Inc. (via email only)